UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _9-19-08_.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _67-74,76-82,84-117 and 119-127_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _67-74,76-82,84-117 and 119-127_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

Response to Amendment

This Office Action is in response to a communication made on September 18, 2008.

The Amendments to the specification have been received on September 18, 2008.

Claims 1-66, 75, 83, and 118 have been cancelled.

Claims 67, 85, 101, 110, and 122-123 have been amended.

Claims 67-74, 76-82, 84-117, and 119-127 are pending in this application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 85 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites that the first MAC device has a buffer operable to receive data from the first MAC data, it is unclear how the MAC device is sending data to itself.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 67-74, 76-80, 84-85, 87-90, 92-117, 119-123, and 126-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto (2003/0076781) in view of Blackard (5918020).

Regarding claims 67, 101, and 110, Enomoto teaches a method comprising:

for each of a plurality of media access control devices to which data is to be transmitted over a ring topology network, providing a corresponding a queue configure to transmit data in a first egress directed and a second egress direction over the ring topology network (¶170-171, ¶198, transmission queues per destination ring node, *see also* Figure 1 for the doubly linked ring network)

receiving data, from a local client, destined for a client of a first MAC device of the plurality of MAC devices (¶229)

storing at least a portion of the data in a first queue corresponding to the first MAC device (¶231, 248)

receiving information indicating a need to change an amount of data being transmitted to the client of the first MAC device (¶237-238); and

selectively transmitting data stored in the first queue to the first MAC device and the client of the first MAC device; wherein

a rate at which the selectively transmitting is performed is based at least in part on at least a portion of the information indicating the need to change the amount of data being transmitted to the client of the first MAC device (¶208); and

selectively transmitting further comprises transmitting data stored in the first

queue in a selected one of the first egress direction and the second egress direction

(¶208).

Enomoto does not explicitly indicate that the client of the first MAC device

generates the request to change the amount of data being generated.

Blackard teaches a system for providing feedback into the network to slow down

transfer rates, where the receiving client is initiating the indication (*See* Abstract).

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to use allow the client to send a congestion notice back into the

network to prevent buffer overflows occurring on the receiving client.

Regarding claim 85, Enomoto teaches an apparatus comprising:

a first media access control (MAC) device operable to be coupled to a ring

topology network (Figure 1, element A1-A4);

a buffer coupled to the first MAC device and operable to receive data from the

first MAC device (¶135);

a packet processor coupled to the buffer (¶134);

a first plurality of queues, wherein each of the first plurality of queues

corresponds to a respective network station, and is configured to transmit data in a first

egress direction and a second egress direction over the ring topology network (¶170-

171, ¶198, transmission queues per destination ring node, *see also* Figure 1 for the

doubly linked ring network); and

at least one shaper circuit, the at least one shaper circuit being configured to dequeue data stored in at least one of the first plurality of queues based at least in part on at least a portion of information indicating a need to change an amount of data being transmitted to the respective network station corresponding to the at least one of the first plurality of queues (¶208, 178).

Enomoto does not explicitly indicate that the client of the first MAC device generates the request to change the amount of data being generated.

Blackard teaches a system for providing feedback into the network to slow down transfer rates, where the receiving client is initiating the indication (*See* Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use allow the client to send a congestion notice back into the network to prevent buffer overflows occurring on the receiving client.

Regarding claims 68, 102, 105, and 111, Enomoto teaches the method of claims 67, 101, and 110 further comprising: providing a second queue corresponding to the first MAC device to which data is to be transmitted over the network; storing at least another portion of the data destined for the at least one of the first MAC device and the client of the first MAC device in the second queue; and selectively transmitting data stored in the second queue to the at least one of the first MAC device and the client of the first MAC device; wherein a rate at which the selectively transmitting of data stored in the second queue is performed is based at least in part on one of: the at least a portion of the information indicating the need to change the amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC

device; and at least another portion of the information indicating the need to change the amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC device (Figure 6, element 357; ¶187).

Regarding claims 69, 92, 103, and 112, Enomoto teaches the method of claims 68, 85, 102, and 111 wherein the first queue is for data having a first priority level, and wherein the second queue is for data having a second priority level (¶187).

Regarding claims 70, 93, and 113, Enomoto teaches the method of claims 67, 92, and 110 further comprising: providing a second queue corresponding to a second MAC device to which data is to be transmitted over the network; receiving data destined for at least one of the second MAC device and a client of the second MAC device; storing at least a portion of the data destined for the at least one of the second MAC device and the client of the second MAC device in the second queue; and selectively transmitting data stored in the second queue to the at least one of the second MAC device and the client of the second MAC device; wherein a rate at which the selectively transmitting of data stored in the second queue is performed is based at least in part on information indicating a need to change an amount of data being transmitted to the at least one of the second MAC device and the client of the second MAC device (¶170-171, ¶198, transmission queues per destination ring node).

Regarding claims 71 and 114, Enomoto teaches the method of claims 67 and 110 wherein the first queue is provided in a memory coupled to at least one of another MAC device and a client of the another MAC device (¶170-171, ¶198, transmission queues per destination ring node, are located in each ring node).

Regarding claims 72, 96, and 115, Enomoto teaches the method of claims 67, 85, and 110 wherein the first queue is provided one of a memory of a second MAC device and a client of the a memory of a second MAC device (¶170-171, ¶198, transmission queues per destination ring node, are located in each ring node).

Regarding claims 74 and 117, Enomoto teaches the method of claims 67 and 110 wherein the information indicating a need to change the amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC device is received from at least one of the first MAC device, the client of the first MAC device, another MAC device, and a client of the another MAC device (¶238).

Regarding claims 76, 98, and 119, Enomoto teaches the method of claims 67, 85, and 110 further comprising: receiving information indicating a need to change an amount of data being transmitted on a first network link between the first MAC device and another MAC device; selectively transmitting data being selectively transmitted to the at least one of the first MAC device and the client of the first MAC device; wherein another rate at which the selectively transmitting of data being selectively transmitted is performed is based at least in part on at least a portion of the information indicating the need to change the amount of data being transmitted on the first network link (¶221).

Regarding claims 73, 77, 89, 95, 99, 104, 106, 116, and 120, Enomoto teaches the method of claims 67, 76, 87, 98, 101, 105, and 110 wherein the information indicating a need to change the amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC device includes at least one of: a

MAC device address, a data transmission rate, a ramp factor, a threshold value, a

network link bandwidth value, and a flag (¶238).

Regarding claims 78, 88, 90, 107, and 121, Enomoto teaches the method of

claims 67, 85, 87, 101, and 110 further comprising: receiving information indicating a

need to change an amount of data being transmitted on a first network link between the

first MAC device and another MAC device, wherein the rate at which the selectively

transmitting is performed is further based at least in part on at least a portion of the

information indicating the need to change the amount of data being transmitted on the

first network link (¶238).

Regarding claims 79 and 122, Enomoto teaches the method of claims 67 and

110 further comprising: transmitting information indicating a need to change an amount

of data being transmitted to at least one of another MAC device and a client of the

another MAC device (¶238).

Regarding claims 80, 87, 108, and 123, Enomoto teaches the method of claims

79, 85, 101, and 122 further comprising: determining an extent to which a data buffer

associated with the client of the another MAC device contains data; and preparing the

information indicating the need to change the amount of data being transmitted to the at

least one of the another MAC device and the client of the another MAC device (¶151-

152).

Regarding claims 83 and 97, Enomoto teaches the method of claim 67

encoded in a computer readable medium as instructions executable on a processor, the

computer readable medium being one of an electronic storage medium, a magnetic storage medium, and an optical storage medium (¶134).

Regarding claims 84, 100, 109, and 126, Enomoto teaches the method of claims 67, 85, 101, and 110 wherein the information indicating the need to change the amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC device further comprises at least one of: information indicating the need to reduce the amount of data being transmitted, and information indicating the need to increase the amount of data being transmitted (¶238).

Regarding claim 88, Enomoto teaches the apparatus of claim 87 wherein at least one of the first MAC device, the buffer, the packet processor, the at least one shaper circuit, and the comparison circuit is further configured to prepare a message including information indicating a need to change an amount of data being transmitted to a network station that includes the first MAC device (¶151-152).

Regarding claim 94, Enomoto teaches the apparatus of claim 93 wherein the at least a portion of the information indicating the need to change the amount of data being transmitted to the respective network station corresponding to the at least one of the second plurality of queues is the same as the at least a portion of the information indicating the need to change the amount of data being transmitted to the respective network station corresponding to the at least one of the first plurality of queues (¶208).

Regarding claim 127, Enomoto teaches the method of claim 67, wherein the local client is a device or entity that invokes the service interface of a MAC device, and the local client is associated with a station in a ring network (¶103).

Claims 81-82, 86, 91, and 124-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enomoto in view of Blackard, and in further view of Knightly (20030163593).

Regarding claims 81, 86, and 124, Enomoto teaches the method of claims 67, 85, and 110.

Enomoto does not explicitly indicate wherein the network is at least one of a metropolitan area network (MAN) and a resilient packet ring (RPR) network.

Knightly teaches a ring network that is at least one of a metropolitan area network (MAN) and a resilient packet ring (RPR) network (Paragraph 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Knightly's teaching of using a RPR in a MAN to adjust ring network rates to take advantage of the feedback ability of the RPRs.

Regarding claims 82, 91, and 125, Enomoto teaches the method of claims 67, 85, and 110.

Enomoto does not explicitly indicate wherein the information indicating a need to change an amount of data being transmitted to the at least one of the first MAC device and the client of the first MAC device is received in a resilient packet ring (RPR) fairness message

Knightly teaches a ring network that is at least one of a metropolitan area network (MAN) and a resilient packet ring (RPR) network (Paragraph 10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Knightly's teaching of using a RPR in a MAN to adjust ring network rates to take advantage of the feedback ability of the RPRs.

Response to Arguments

Applicant's arguments with respect to claims 67, 101, and 110 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Kevin Bates whose telephone number is (571)272-3980.

The examiner can normally be reached on 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Bates/
Primary Examiner, Art Unit 2456